



WISCONSIN

DEPARTMENT OF WORKFORCE DEVELOPMENT

Division of Economic Support
Bureau of Welfare Initiatives

**TO: Economic Support Supervisors
Economic Support Lead Workers
Training Staff
FSET Administrative and Provider Agencies
Child Care Coordinators
W-2 Agencies**

BWI OPERATIONS MEMO

No.: 99-23

File: 7110

Date: 03/22/99

Non W-2 ☐ W-2 ☐ CC ☒

PRIORITY: High

**FROM: Stephen M. Dow
Program Implementation Team
Policy Analysis and Program Implementation Section**

**SUBJECT: CHILD CAREGIVER BACKGROUND CHECK - STATUS OF ADMINISTRATIVE
RULE**

CROSS REFERENCE: HFS 12, the crimes table and forms are at <http://www.dhfs.state.wi.us>
Operations Memos 98-83 and 99-02
Child Day Care Manual Release 98-03

EFFECTIVE DATE: Immediately

PURPOSE

This memo provides information on the status of the caregiver background check rule as it relates to family day care certification.

BACKGROUND

The caregiver background check rule under DWD 55 has been removed and replaced with a shorter rule. The shorter rule references the caregiver background check for licensed day care in HFS 12, except certifiers will complete the caregiver background check for providers' employees/contractors and the county is responsible for conducting the rehabilitation review. The caregiver background check rule under HFS 12 has had many revisions and is still an emergency rule. More changes are expected to be made to HFS 12 and the crimes table before the rule becomes permanent. Essentially, the same procedures will be used for certification as Department of Health and Family Services (DHFS) will use for day care licensing.

POLICY

Certifiers should use HFS 12 and the table included in that rule as it applies to licensed day care as their reference when completing a caregiver background check and rehabilitation review. Certifiers will collect the caregiver background check for providers' employees/contractors and the county is responsible for conducting the rehabilitation review. The most recent amended version of HFS 12 emergency rule was published February 27, 1999 and is on the DHFS website.

Operations Memos 98-83 and 99-02 and the information on the caregiver background check in the **Child Day Care Manual** Release 98-03 are no longer completely accurate because of the changes in HFS 12. Requirements for a caregiver background check and the basic process for obtaining a caregiver background check remain the same. However, there are changes to the crimes tables, Background Information Disclosure form and rehabilitation review process:

1. The definition for caregiver has changed.
2. There are no longer crimes listed in the lesser sanction category.
3. There is now a column with comments indicating when special conditions must exist before a bar with rehabilitation must be invoked.
4. The Background Information Disclosure form has changed to reflect the changes to the crimes table.
5. The rehabilitation review process has changed and now gives tribes the authority to conduct rehabilitation reviews.
6. Eligibility requirements for a rehabilitation review have changed. A person may request a rehabilitation review if s/he has not been convicted nor has pending against him/her a crime, act, or offense that falls under a permanent bar or substantially relates to the care of children and has not requested a rehabilitation review for a similar type of regulatory approval within the previous year.

HFS 12 has come under intense scrutiny from service providers and legislators. There are expected to be additional changes made to HFS 12 before it becomes a permanent rule. Also, some of the forms associated with the caregiver background check will be changed in the future. It is anticipated that there will be changes to the Rehabilitation Review Application form.

Due to the number of changes that have been made and those expected to be made to the rule, it will be impossible to get the changes out to agencies in paper on a timely basis. We recommend agencies use the information on the DHFS website regarding HFS 12, the crimes table and forms associated with the caregiver background check. Information on the website will be current.

The DHFS website's address is <http://www.dhfs.state.wi.us>.

We also recommend agencies contact the Office of Child Care whenever there are questions regarding the rehabilitation review process or when invoking either a permanent bar or bar with rehabilitation.

CONTACT

For questions about this material or if your agency does not have access to the website and you need a paper copy to be sent to your agency, call Rebecca Brueggeman at 608-266-9703 or the Child Care Call Center at 608-261-4580.